

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC)
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This document relates to:

Ashton v. Al Qaeda Islamic Army, 02-CV-6977 (RCC)

Burnett v. Al Baraka Investment & Development Corp., 03-CV-5738 (RCC)

Cantor Fitzgerald v. Akida Bank Private Limited, 04-CV-7065 (RCC)

Continental Cas. Co. v. Al Qaeda, 04-CV-5970 (RCC)

Euro Brokers Inc. v. Al Baraka Inv. & Dev. Corp., 04-CV-7279 (RCC)

Federal Ins. v. Al Qaida, 03-CV-6978 (RCC)

New York Marine & General Ins. Co. v. Al Qaida, 04-CV-6105 (RCC)

Estate of O'Neill v. Al Baraka Investment and Development Corp., 04-CV-1923 (RCC)

World Trade Ctr. Props. L.L.C. v. Al Baraka Inv. & Dev. Corp., 04-CV-7280 (RCC)

**FIRST AFFIDAVIT OF JOHN FAWCETT IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
KHALID BIN MAHFOUZ'S MOTION TO DISMISS**

[illegible]

JOHN FAWCETT, being duly sworn, deposes and says:

1. For over two years, I have been working under contract for Kreindler & Kreindler LLP as an investigator in the case of *Kathleen Ashton v. al Qaeda Islamic Army et al.*

2. As part of my duties, I have been asked to research Khalid Bin Mahfouz, the Muwafaq Foundation and the Golden Chain.

3. On October 12, 2001 the United States Department of the Treasury named 39 people and entities as Specially Designated Global Terrorists. One of the people named was Yasin al Qadi. In an accompanying press release the Treasury Department stated; “Muwafaq is

an al-Qaeda front that receives funding from wealthy Saudi businessmen. Blessed Relief is the English translation. Saudi businessmen have been transferring millions of dollars to Bin Laden through Blessed Relief.” See Attached Document #1, Treasury Press Release of October 12, 2001.

4. On November 29, 2001 the General Counsel of the US Department of the Treasury wrote to the Deputy General Prosecutor of Switzerland. In his letter, the General Counsel wrote; “. . . a number of NGOs formerly associated with MK, including Muwafaq, also merged with Al-Qa’ida.” This document was submitted in this case as Attachment 2 of the Declaration of Michael Elsner of October 15, 2004. It is also attached here as Document #2, Letter of Aufhauser to Nicati.

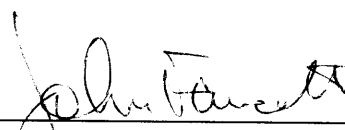
5. In 1991 Khalid Bin Mahfouz founded and funded the Muwafaq Foundation, known to be an al Qaeda front. According to a trustee who supervised the operations of the foundation, Khalid Bin Mahfouz took an active role in making key appointments and strategic decisions of the foundation, including appointing that trustee himself, Yasin al Kadi. Yasin al Kadi, a close business associate and personal friend of Khalid Bin Mahfouz, has been named as a Specially Designated Global Terrorist by the United States Government. See Attached Document #3, Excerpts from In the Matter of Yassin Abdullah Kadi and the Office of Foreign Assets Control, US Department of the Treasury.

6. It is my belief that the Bin Mahfouz referred to in the Golden Chain is Khalid Bin Mahfouz. I base this conclusion on the following. In 1988 Khalid Bin Mahfouz donated money to the ‘Afghan resistance movement’ at the request of Usama Bin Laden’s brother. With the exception of Khalid Bin Mahfouz’s son Abdurahman, who would have been a teenager in 1988,

I have no evidence of any other person with the name Bin Mahfouz who has any ties to terror or to Usama Bin Laden.

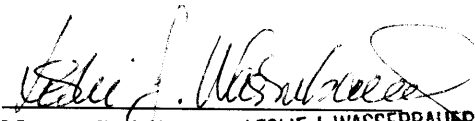
Dated: New York, New York
August 22, 2005

Respectfully submitted,



John Fawcett

Sworn to before me this
22nd day of Aug, 2005



Notary Public
LESLIE J. WASSERBAUER
NOTARY PUBLIC, State of New York
No. 30-4860403
Qualified in Nassau County
Commission Expires June 9, 2006

DOCUMENT #1

Treasury Press Release of October 12, 2001



PRESS ROOM

FROM THE OFFICE OF PUBLIC AFFAIRS

October 12, 2001
PO-689

**TREASURY DEPARTMENT RELEASES LIST OF 39 ADDITIONAL SPECIALLY
DESIGNATED GLOBAL TERRORISTS**

Treasury Office of Foreign Asset Control (OFAC) has added the names of 39 terrorists to its list of Specially Designated Global Terrorists (SDGT). Their assets must be blocked immediately.

ABDULLAH, Abdullah Ahmed (a.k.a. ABU MARIAM; a.k.a. AL-MASRI. Abu Mohamed; a.k.a. SALEH), Afghanistan (DOB 1963; POB Egypt; citizen Egypt) (individual) [SDGT]

AGHA, Haji Abdul Manan (a.k.a. SAIYID, Abd Al-Man'am), Pakistan (individual) [SDGT]

AL-HAMATI SWEETS BAKERIES, Al-Mukallah, Hadhramawt Governorate, Yemen [SDGT]

AL-HAMATI, Muhammad (a.k.a. AL-AHDAL, Mohammad Hamdi Sadiq; a.k.a. AL-MAKKI, Abu Asim), Yemen (individual) [SDGT]

AL-HAQ, Amin (a.k.a. AH HAQ, Dr. Amin; a.k.a. AMIN, Muhammad; a.k.a. UL-HAQ, Dr. Amin) (DOB 1960; POB Nangahar Province, Afghanistan) (individual) [SDGT]

AL-JADAWI, Saqar (DOB 1965) (individual) [SDGT]

AL-KADR, Ahmad Sa'id (a.k.a. AL-KANADI, Abu Abd Al-Rahman) (DOB 01 Mar 1948; POB Cairo, Egypt) (individual) [SDGT]

AL-LIBY, Anas (a.k.a. AL-LIBI, Anas; a.k.a. AL-RAGHIE, Nazih; a.k.a. AL-RAGHIE, Nazih Abdul Hamed; a.k.a. AL-SABAI, Anas), Afghanistan (DOB 30 Mar 1964, Alt. DOB 14 May 1964; POB Tripoli, Libya; citizen Libya) (individual) [SDGT]

AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL,

Ahmed Ibrahim) (DOB 26 Jun 1967; POB Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia) (individual) [SDGT]

AL-NASSER, Abdelkarim Hussein Mohamed (POB Al Ihsa, Saudi Arabia; citizen Saudi Arabia) (individual) [SDGT]

AL-NUR HONEY PRESS SHOPS (a.k.a. AL-NUR HONEY CENTER), Sanaa, Yemen. [SDGT]

AL-QADI, Yasin (a.k.a. KADI, Shaykh Yassin Abdullah; a.k.a. KAHDI, Yasin), Jeddah, Saudi Arabia (individual) [SDGT]

AL-SHARIF, Sa'd (DOB 1969; POB Saudi Arabia) (individual) [SDGT]

AL-SHIFA' HONEY PRESS FOR INDUSTRY AND COMMERCE, Al-Nasr Street, Doha, Qatar; By the Shrine Next to the Gas Station, Jamal Street, Ta'iz, Yemen; Al-'Arudh Square, Khur Maksar, Aden, Yemen; P.O. Box 8089, Al-Hasabah, Sanaa, Yemen [SDGT]

AL-YACoub, Ibrahim Salih Mohammed (DOB 16 Oct 1966; POB Tarut, Saudi Arabia; citizen Saudi Arabia) (individual) [SDGT]

ALI, Ahmed Mohammed Hamed (a.k.a. ABDUREHMAN, Ahmed Mohammed; a.k.a. ABU FATIMA; a.k.a. ABU ISLAM; a.k.a. ABU KHADIJAH; a.k.a. AHMED HAMED; a.k.a. Ahmed The Egyptian; a.k.a. AHMED, Ahmed; a.k.a. AL-MASRI, Ahmad; a.k.a. AL-SURIR, Abu Islam; a.k.a. ALI, Ahmed Mohammed; a.k.a. ALI, Hamed; a.k.a. HEMED, Ahmed; a.k.a. SHIEB, Ahmed; a.k.a. SHUAIB), Afghanistan (DOB 1965; POB Egypt; citizen Egypt) (individual) [SDGT]

ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon (DOB 1960; POB Lebanon; citizen Lebanon) (individual) [SDGT1]

ATWAH, Muhsin Musa Matwalli (a.k.a. ABDEL RAHMAN; a.k.a. ABDUL RAHMAN; a.k.a. AL-MUHAIJIR, Abdul Rahman; a.k.a. AL-NAMER, Mohammed K.A.), Afghanistan (DOB 19 Jun 1964; POB Egypt; citizen Egypt) (individual) [SDGT]

BIN MARWAN, Bilal (DOB 1947) (individual) [SDGT]

BIN MUHAMMAD, Ayadi Chafiq (a.k.a. AIADI, Ben Muhammad; a.k.a. AIADY, Ben Muhammad; a.k.a. AYADI CHAFIK, Ben Muhammad; a.k.a. AYADI SHAFIQ, Ben Muhammad), Darvingasse 1/2/58-60, Vienna, Austria; 28 Chaussee de Lille, Mouscron, Belgium; 129 Park Road, NW8, London, England; Helene Meyer Ring 10-1415-80809, Munich, Germany; Tunisia (DOB 21 Jan 1963; POB Safais (Sfax), Tunisia) (individual) [SDGT]

DARKAZANLI, Mamoun, Uhlenhorsterweg 34 11. 22085, Hamburg, Germany (DOB 4 Aug 1958; POB Aleppo, Syria; Passport No: 1310636262 <Germany>)

(individual) [SDGT]

EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) (DOB 10 Jul 1965, alt. DOB 11 Jul 1965; POB El Dibabiya, Saudi Arabia; citizen Saudi Arabia) (individual) [SDGT]

FADHIL, Mustafa Mohamed (a.k.a. AL MASRI, Abd Al Wakil; a.k.a. AL-NUBI, Abu; a.k.a. ALI, Hassan; a.k.a. ANIS, Abu; a.k.a. ELBISHY, Moustafa Ali; a.k.a. FADIL, Mustafa Muhamad; a.k.a. FAZUL, Mustafa; a.k.a. HUSSEIN; a.k.a. JIHAD, Abu; a.k.a. KHALID; a.k.a. MAN, Nu; a.k.a. MOHAMMED, Mustafa; a.k.a. YUSSRR, Abu) (DOB 23 Jun 1976; POB Cairo, Egypt; citizen Egypt, alt. citizen Kenya; Kenyan ID No. 12773667; Serial No. 201735161) (individual) [SDGT]

GHAILANI, Ahmed Khalfan (a.k.a. "AHMED THE TANZANIAN"; a.k.a. "FOOPIE"; a.k.a. "FUPI"; a.k.a. AHMAD, Abu Bakr; a.k.a. AHMED, A.; a.k.a. AHMED, Abubakar; a.k.a. AHMED, Abubakar K.; a.k.a. AHMED, Abubakar Khalfan; a.k.a. AHMED, Abubakary K.; a.k.a. AHMED, Ahmed Khalfan; a.k.a. AL TANZANI, Ahmad; a.k.a. ALI, Ahmed Khalfan; a.k.a. BAKR, Abu; a.k.a. GHAILANI, Abubakary Khalfan Ahmed; a.k.a. GHAILANI, Ahmed; a.k.a. GHILANI, Ahmad Khalafan; a.k.a. HUSSEIN, Mahafudh Abubakar Ahmed Abdallah; a.k.a. KHABAR, Abu; a.k.a. KHALFAN, Ahmed; a.k.a. MOHAMMED, Shariff Omar) (DOB 14 Mar 1974, alt. DOB 13 Apr 1974, alt. DOB 14 Apr 1974, alt. DOB 1 Aug 1970; POB Zanzibar, Tanzania; citizen Tanzania) (individual) [SDGT]

HIJAZI, Riad (a.k.a. AL-AMRIKI, Abu-Ahmad; a.k.a. AL-HAWEN, Abu-Ahmad; a.k.a. AL-MAGHRIBI, Rashid; a.k.a. AL-SHAHID, Abu-Ahmad; a.k.a. HIJAZI, Raed M), Jordan (DOB 1968; POB California, U.S.A.; SSN: 548-91-5411 <U.S.A.>) (individual) [SDGT]

IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon (DOB 1963; POB Lebanon; citizen Lebanon) (individual) [SDGT1]

JAISH-I-MOHAMMED (a.k.a. ARMY OF MOHAMMED), Pakistan [SDGT]

JAM'YAH TA'AWUN AL-ISLAMIA (a.k.a. JAM'IYAT AL TA'AWUN AL ISLAMIYYA; a.k.a. JIT; a.k.a. SOCIETY OF ISLAMIC COOPERATION), Qandahar City, Afghanistan [SDGT]

LADEHYANOY, Mufti Rashid Ahmad (a.k.a. AHMAD, Mufti Rasheed; a.k.a. LUDHIANVI, Mufti Rashid Ahmad; a.k.a. WADEHYANOY, Mufti Rashid Ahmad), Karachi, Pakistan (individual) [SDGT]

MOHAMMED, Fazul Abdullah (a.k.a. ABDALLA, Fazul; a.k.a. ADBALLAH, Fazul; a.k.a. AISHA, Abu; a.k.a. AL SUDANI, Abu Seif; a.k.a. ALI, Fadel Abdallah Mohammed; a.k.a. FAZUL, Abdalla; a.k.a. FAZUL, Abdallah; a.k.a. FAZUL, Abdallah Mohammed; a.k.a. FAZUL, Haroon; a.k.a. FAZUL, Harun; a.k.a. HAROON; a.k.a. HAROUN, Fadhil; a.k.a. HARUN; a.k.a. LUQMAN, Abu; a.k.a.

MOHAMMED, Fazul; a.k.a. MOHAMMED, Fazul Abdilahi; a.k.a. MOHAMMED, Fouad; a.k.a. MUHAMAD, Fadil Abdallah) (DOB 25 Aug 1972, alt. DOB 25 Dec 1974, alt. DOB 25 Feb 1974; POB Moroni, Comoros Islands; citizen Comoros, alt. citizen Kenya) (individual) [SDGT]

MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul) (DOB 14 Apr 1965, alt. DOB 1 Mar 1964; POB Kuwait; citizen Kuwait) (individual) [SDGT]

MSALAM, Fahid Mohammed Ally (a.k.a. AL-KINI, Usama; a.k.a. ALLY, Fahid Mohammed; a.k.a. MSALAM, Fahad Ally; a.k.a. MSALAM, Fahid Mohammed Ali; a.k.a. MSALAM, Mohammed Ally; a.k.a. MUSALAAM, Fahid Mohammed Ali; a.k.a. SALEM, Fahid Muhamad Ali) (DOB 19 Feb 1976; POB Mombasa, Kenya; citizen Kenya) (individual) [SDGT]

RABITA TRUST, Room 9A, 2nd Floor, Wahdat Road, Education Town, Lahore, Pakistan; Wares Colony, Lahore, Pakistan [SDGT]

SWEDAN, Sheikh Ahmed Salim (a.k.a. Ahmed the Tall; a.k.a. ALLY, Ahmed; a.k.a. BAHAMAD; a.k.a. BAHAMAD, Sheik; a.k.a. BAHAMADI, Sheikh; a.k.a. SUWEIDAN, Sheikh Ahmad Salem; a.k.a. SWEDAN, Sheikh; a.k.a. SWEDAN, Sheikh Ahmed Salem) (DOB 9 Apr 1969, alt. DOB 9 Apr 1960; POB Mombasa, Kenya; citizen Kenya) (individual) [SDGT]

UTHMAN, Omar Mahmoud (a.k.a. ABU ISMAIL; a.k.a. ABU UMAR, Abu Omar; a.k.a. AL-FILISTINI, Abu Qatada; a.k.a. TAKFIRI, Abu 'Umr; a.k.a. UMAR, Abu Umar; a.k.a. UTHMAN, Al-Samman; a.k.a. UTHMAN, Umar), London, England (DOB 30 Dec 1960, alt. DOB 13 Dec 1960) (individual) [SDGT]

YASIN, Abdul Rahman (a.k.a. TAHA, Abdul Rahman S.; a.k.a. TAHER, Abdul Rahman S.; a.k.a. YASIN, Abdul Rahman Said; a.k.a. YASIN, Aboud) (DOB 10 Apr 1960; POB Bloomington, Indiana U.S.A.; SSN 156-92-9858 <U.S.A.>; Passport No. 27082171 <U.S.A. - issued 21 Jun 1992 in Amman, Jordan>, alt. Passport No. M0887925 <Iraq>; citizen U.S.A.) (individual) [SDGT]

YULDASHEV, Tohir (a.k.a. YULDASHEV, Takhir), Uzbekistan (individual) [SDGT]

ZIA, Mohammad (a.k.a. ZIA, Ahmad), c/o Ahmed Shah s/o Painda Mohammad al-Karim Set, Peshawar, Pakistan; c/o Alam General Store Shop 17, Awami Market, Peshawar, Pakistan; c/o Zahir Shah s/o Murad Khan Ander Sher, Peshawar, Pakistan (individual) [SDGT]

MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH (DOB 07 Dec 1962, POB Tayr Dibba, Lebanon, Passport No. 432298 <Lebanon>) (individual) [SDT] (Already on SDN List)

Entities

Al-Hamati Sweets Bakeries

Al-Hamati Sweets and Al-Nur Honey are both owned by Muhammad Hamdi Sadiq al-Ahdal. Al-Hamati is located in Al Mukallah in the Hadramat Governorate of Yemen. Al-Nur is located in Sana'a, Yemen. Muhammad Al-Hamati is aka Mohammad Hamdi Sadiq al-Ahdal and aka Abu Asim Al-Makki. Abu Asim was detained in prison in Saudi Arabia for planning terrorist activities against Saudi Arabia.

Al-Nur Honey Press Shops

Al-Hamati Sweets and Al-Nur Honey are both owned by Muhammad Hamdi Sadiq al-Ahdal. Al-Hamati is located in Al Mukallah in the Hadramat Governorate of Yemen. Al-Nur is located in Sana'a, Yemen. Muhammad Al-Hamati is aka Mohammad Hamdi Sadiq al-Ahdal and aka Abu Asim Al-Makki. Abu Asim was detained in prison in Saudi Arabia for planning terrorist activities against Saudi Arabia.

Al-Shifa Honey Press for Industry and Commerce

Located in Sana'a, Yemen. Owned by Mahmud Abu al-Fatuh Muhammad aka abu Khaled aka Mahmud Abu Al-Kadr, and aka Abu Adel, located in Sana'a, Yemen. He is linked to the Islamic Cultural Institute in Milan. The Institute's name appears in the United States v. Bin Laden trial as directly connected to the embassy bombings. The Institute is considered the main al-Qaeda station house in Europe. It is used to facilitate the movement of weapons, men and money across the world.

Jaish-i-Mohammed (JIM) (Army of Mohammed)

JIM is a militant, pro-Taliban Pakistan force that receives support within Pakistan. Jaish-e-Mohammed is an Islamist group based in Pakistan that has rapidly expanded in size and capability since Maulana Masood Azhar, former ultrafundamentalist Haraka ul-Ansar (HUA) leader, announced its formation in February 2001. JIM's leader, Masood Azhar, was released from Indian imprisonment in December 1999 in exchange for 156 hijacked Indian Airlines hostages in Afghanistan. In July, a JIM rocket-grenade attack failed to injure the Chief Minister of Kashmir at his office in Srinagar, India, but wounded four other persons. In December, JIM militants launched grenade attacks at a bus stop in Kupwara, India, injuring 24 persons, and at a marketplace in Chadoura, India, injuring 16 persons. JIM militants also planted two bombs that killed 21 persons in Qamarwari and Srinagar. JIM is based in Peshawar and Muzaffarabad, but members conduct terrorist activities primarily in Kashmir. The JIM maintains training camps in Afghanistan. JIM is sometimes referred to as JEM.

Society of Islamic Cooperation

Located in Qandahar City. Established by Usama bin Laden in early 2001. Reportedly headed by Abu Talha, alleged brother of bin Laden's youngest wife. Also appears to be headed by Abu Sa'd. Abu Talha is an Al-Qaeda explosives specialist.

Rabita Trust

The Secretary-General of the Rabita Trust is Wa'el Hamza Jalaidan, one of the founders of Al-Qaeda along with Osama bin Laden. Wa'el Jalaidan is the logistics chief of Bin-Ladin's organization and fought on Bin-Ladin's side in Afghanistan.

Individuals

Haji Abdul Manan Agha

Possibly in Pakistan. A large scale hawala dealer who runs the Al-Qadir Traders in Quetta, Pakistan.

Muhammad al-Hamati

Owner of Al-Hamati Sweets and Al-Nur Honey. Al-Hamati is located in Al Mukallah in the Hadramat Governorate of Yemen. Al-Nur is located in Sana'a, Yemen. Muhammad Al-Hamati is aka Mohammad Hamdi Sadiq al-Ahdal and aka Abu Asim Al-Makki. Abu Asim was detained in prison in Saudi Arabia for planning terrorist activities against Saudi Arabia.

Dr. Amin Al-Haq

Dr. Amin al-Haq is bin Laden's Security Coordinator. He is aka Muhammad Amin. He is on the U.N. list of individuals and entities associated with Usama bin Laden. He is designated as the Security Coordinator of Usama bin Laden, or the Al-Qaeda organization. Born c. 1960, Nangahar province, Afghanistan. Dr. al-Haq is an Urologist practicing in Pesawar, Pakistan.

Saqar al-Jadawi

Saqar al-Jadawi may be born c. 1965. He is thought to be a Yemeni and Saudi national. He is an aide to Usama Bin Laden.

Ahmad Sa'id Al-Kadr

Operates the Afghanistan operations of Human Concern International (HCI). HCI is headquartered in Canada. Al-Kadr is an al-Qaeda operative who worked through the front organization, HCI. He is aka Abu Abd Al-Rahman Al-Kanadi. Born 01/03/48, Cairo, Egypt. Thought to be an Egyptian and Canadian national. He is an aide to Usama Bin Laden. He was detained by Pakistan police authorities in connection with the November 9, 1995 bombing of the Egyptian Embassy in Islamabad, Pakistan.

Yassin al-Qadi

He is aka Shaykh Yassin Abdullah Kadi. May be in Jeddah, Saudi Arabia. He heads the Saudi-based Muwafaq Foundation. Muwafaq is an al-Qaeda front that receives funding from wealthy Saudi businessmen. Blessed Relief is the English translation. Saudi businessmen have been transferring millions of dollars to Bin Laden through Blessed Relief.

Sa'd Al-Sharif

Sa'd Al-Sharif is a senior bin Laden associate. He is aka Abu Mohamed Saudi, and aka Abu el Masry. Born c. 1969, Saudi Arabia. Brother-in-law of bin Laden. Believed to be the head of bin Laden's financial network.

Bilal Bin Marwan

Born c. 1947. He is a senior lieutenant of Usama bin Laden. He is on the U.N. list of individuals and entities associated with Usama bin Laden.

Avadi Chafiq bin Muhammad

May be in Tunisia. Born on January 21, 1963 in Safsis, Tunisia. Nationality: Bosnian. Chafiq is connected to the bin Laden financial network through the Mouwafaq Foundation in Munich, Germany.

Mamoun Darkazanli

He is a well-connected Bin Laden agent. His association with al-Qaeda is through two Bin Laden aides: Manduh Mahmud Salim, one of bin Laden's reported finance chiefs and Wadih El-Hage, bin Laden's personal secretary, who was implicated in the 1998 embassy bombings. Darkazanli is wanted for his role in the U.S. Embassy bombings in Africa.

Riad Hijazi

He is aka Abu-Ahmad al-Hawen, Rashid al-Maghribi (The Moroccan), Abu-Ahmad. Jailed in Jordan. Born in California, 1968. Held joint Jordanian-U.S. citizenship. He was convicted in absentia in Jordan for plotting to attack tourists in Amman during the millennium celebrations. He resided in the United States until late 1999, when he went to Jordan to plot the millennium attacks. He was accused by the Jordanian government of purchasing bomb-making materials and weapons to be used in the attacks.

Mufti Rashid Ahmad Ladehyanoy

May be in Karachi, Pakistan. Linked to Al-Rashid Trust. Mufti Rashid Ahmad Ladehyanoy is a Karachi based religious leader who heads the Pakistani pro-Taliban party.

Omar Mahmoud Uthman

He is aka Abu Qatada al-Filistini. May be in London, England. Date of Birth: December 30, 1960. Omar Mahmoud Uthman is a senior agent for bin Laden in Europe.

Tohir Yuldashev

May be in Uzbekistan. Tohir Yuldashev is the leader of the Islamic movement of Uzbekistan, which was supported by bin Laden and the Taliban. Nationality: Uzbek. Residence: Taliban-controlled Afghanistan. Yuldashev is the leader of the Islamic Movement of Uzbekistan (IMU). IMU is believed to receive financial, logistical and operational support from Bin Laden's Al-Qaeda network.

Mohammad Zia

May be in Pakistan.

For more information re the FBI most wanted terrorists, go to:
<http://www.fbi.gov/mostwant/terrorists/terswedan.htm>

DOCUMENT #2

Aufhauser Letter to Nicati



GENERAL COUNSEL

November 29, 2001

M. Claude Nicati
Substitut du Procureur General
Taubenstrasse 16
3003 Berne
SWITZERLAND

Re: Yassin A. Kadi

Dear Mr. Nicati:

This letter is provided to you pursuant to your request under the mutual legal assistance treaty between the United States and Switzerland in connection with the action taken by the Government of Switzerland to block assets of Yassin A. Kadi (aka Qadi or Qadhi). Although some of the information concerning Mr. Kadi comes from sensitive sources that we cannot disclose, we have agreed to provide you with an unclassified summary of certain information concerning Mr. Kadi. We believe that this information is generally reliable and, taken as a whole, supports the decision to block Mr. Kadi's assets. This summary may be disclosed publicly in legal proceedings.

Based upon information available to the United States Government, we have a reasonable basis to believe that Mr. Kadi has a long history of financing and facilitating the activities of terrorists and terrorist-related organizations, often acting through seemingly legitimate charitable enterprises and businesses.

In 1991, Mr. Kadi wired \$820,000 to a business in the United States. This money was laundered through a complex land transaction in Illinois, apparently to hide any connection to Mr. Kadi and the eventual transfer of the funds to the Quranic Literacy Institute (QLI). Some of the proceeds of this transaction were used by QLI to finance the activities of Mohammed Salah (alias Abu Ahmed),¹ an admitted head of the military wing of the terrorist organization HAMAS.² Subsequently, Mr. Kadi wired \$27,000 *directly* to Mr. Salah's account in March

¹ Mr. Salah is a "Specially Designated Terrorist" (STD) under United States Executive Order No. 12947, 60 Fed. Reg. 5079 (1995) (E.O. 12947). See Notice of Blocking, 60 Fed. Reg. 41152 (1995).

² HAMAS has been designated a "Foreign Terrorist Organization" pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, 110 Stat. 1214 (1996) and an SDT under E.O. 12947, see 31 C.F.R. Ch V, App. A, and a "Specially Designated Global Terrorist" (SDGT) under United States Executive Order No. 13224, 66 Fed. Reg. 49079 (2001) (E.O. 13224).

M. Claude Nicati
November 29, 2001
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1992. This wire, from Faisal Finance account number IFA 10004, came directly from an account that is the subject of the Swiss sequestration order covering Mr. Kadi's accounts. There were additional wires from Faisal Finance to Mr. Salah's account, but our information on those transfers is still incomplete. Similarly, we are still investigating other Faisal Finance transfers, one for \$200,000 and another for \$665,000, all or a substantial portion of which were sent to Mr. Salah through an account controlled by another HAMAS operative, Abu Marzook.³

At the direction of Abu Marzook, Mr. Salah distributed tens of thousands of dollars, and perhaps more, to HAMAS cells in and around Israel. Mr. Salah was arrested in Israel in 1993 carrying nearly \$100,000 in cash and extensive notes of his meetings with HAMAS operatives during the days preceding his arrest. Analysis of the monetary transfers involved in the Illinois land transaction, and of wires into Mr. Salah's accounts prior to leaving for Israel, show a close connection between the funds involved in the transactions and those distributed by Mr. Salah to terrorist cells.⁴

In recent press interviews, Mr. Kadi has denied any wrongdoing in connection with these money transfers. He says that the loan on the Illinois property was intended to help the QLI "open a peaceful dialogue between nations," but he has neither explained the convoluted nature of the transaction nor made any claim for repayment of the "loan." He claims not to recall ever having met Mr. Salah, although Mr. Salah's lawyer states that Mr. Salah did meet with Mr. Kadi, that Mr. Kadi befriended him, and that he gave the \$27,000 to Mr. Salah to open a bank account in Chicago.

Mr. Kadi has acknowledged in a number of press accounts that he is the founder of the Muwafaq, or "Blessed Relief," Foundation. He is identified in legal records as "Chairman" of the foundation. The leader of the terrorist organization Al-Gama'at Al-Islamiya,⁵ Talad Fuad Kassem, has said that the Muwafaq Foundation provided logistical and financial support for a mujahadin battalion in Bosnia. The foundation also operated in Sudan, Somalia and Pakistan, among other places.

A number of individuals employed by or otherwise associated with the Muwafaq Foundation have connections to various terrorist organizations. Muhammad Ali Harrath, main activist of the Tunisian Islamic Front (TIF) in the United Kingdom, was associated with Muwafaq personnel in Bosnia and other TIF members worked at the Muwafaq Foundation. Syrian citizen Mahmoud Mehdi, once a director of the Muwafaq Foundation in Pakistan, was a member of Al-Qa'ida and the Al-Faran terrorist group⁶ responsible for the kidnapping of

³ Mr. Marzook has been designated a SDT under E.O. 12947. See 31 C.F.R. Ch. V, App. A.

⁴ A detailed account of Mr. Salah's activities, which included the recruitment and funding of HAMAS terrorists, can be found in the affidavit of FBI Special Agent Robert Wright (previously provided to you) and in *In re Extradition of Marzook*, 924 F. Supp. 565, 587-92 (S.D.N.Y. 1996).

⁵ Al-Gama'at Al-Islamiya has been designated a "Foreign Terrorist Organization" pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996. See 31 C.F.R. Ch. V, App. A.

⁶ Al-Faran is a "Specially Designated Global Terrorist Entity" under E.O. 13224.

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Westerners in Kashmir. He was also close to Ramzi Yusif who has been convicted in the United States for his role in the first World Trade Center attack. Following the arrest of Ramzi Yusif in 1995, the Pakistani police reportedly raided Muwafaq's offices and held its local director in custody for several months. The Muwafaq Foundation also provided support to HAMAS and the Abu Sayyaf Organization⁷ in the Philippines.

The Muwafaq Foundation also employed or served as cover for Islamic extremists connected with the military activities of Makhtab Al-Khidamat (MK),⁸ which has been partially financed by the Muwafaq Foundation. The Muwafaq Foundation supplied identity cards and employment as cover for some Arabs to allow them to obtain visas to remain in Pakistan. The founder of MK was Abdallah Azzam, who was Usama bin Laden's mentor. Following the dissolution of MK in early June 2001 and its absorption into Al-Qa'ida, a number of NGOs formerly associated with MK, including Muwafaq, also merged with Al-Qa'ida.

Mr. Kadi has asserted in various press interviews that the Muwafaq Foundation ceased operations at a range of different times in 1995, 1996 or 1997. However, the United Nations reported that Muwafaq was active in Sudan as late as 1997. Moreover, far from ceasing operations, the U.N. report stated that the "Muwafaq Foundation plans to *continue to expand* its humanitarian activities in the coming year" U.N. Department of Humanitarian Affairs, *Consolidated Inter-Agency Appeal for Sudan January-December 1997* (Feb. 18, 1997)(emphasis added).

From 1993, the head of the European offices of the Muwafaq Foundation was Ayadi Chafiq Bin Muhammad, who has been identified as Mr. Kadi's closest associate.⁹ Ayadi Chafiq fought in Afghanistan in the 1980s and is known to be associated with the Tunisian Islamic Front (TIF) in Algeria and Nabil Ben Mohammad Salah Maklout, its leader. Mr. Chafiq was expelled from Tunisia because of his membership in the TIF. As of February 1999, Mr. Chafiq was running Mr. Kadi's European network and serving as the president of Depositna Banka in Sarajevo, Bosnia, which was owned by Mr. Kadi. Mr. Chafiq may have participated in planning an attack on a U.S. facility in Saudi Arabia. Mr. Chafiq left his residence in London in a hurry after the September 11 attacks, and had reportedly been in the United States in the months preceding the attack.

The pattern of activity displayed by Mr. Kadi, and his foundation and businesses, is typical of the financial support network of Al Qa'ida and other terrorist organizations. Working in troubled areas such as Bosnia, Somalia, Sudan, and various refugee camps, the putative "relief" organizations provide cover for individuals engaged in recruiting, organizing, and

⁷ The Abu Sayyaf Organization is a "Specially Designated Global Terrorist Entity" under E.O. 13224.

⁸ MK is a "Specially Designated Global Terrorist Entity" under E.O. 13224.

⁹ Ayadi Chafiq is a "Specially Designated Global Terrorist Individual" under E.O. 13224. See Amendment of Final Rule, 66 Fed. Reg. 54404 (2001). He also is listed as one of the signatories on Swiss accounts at Faisal Financial with Kadi.

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training terrorist cells. Their provision of humanitarian aid and educational services is done in concert with the terrorists to win the hearts and minds of the local people to whatever causes the terrorists espouse. When a region becomes more settled, such as Bosnia or Albania today, seemingly legitimate businesses replace charitable foundations as cover for continuing terrorist organizational activity. Mr. Kadi's actions and those of his Muwafaq Foundation and businesses fit this pattern and give rise to a reasonable basis to believe that they have facilitated terrorist activities.

As noted previously, this is a summary of information concerning Mr. Kadi that we can release at this time. If we are able to release additional information in the future we will let you know.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Aufhauser', with a long horizontal line extending to the right.

David D. Aufhauser
General Counsel

Document #3

Excerpts From
In the Matter of Yassin Abdullah Kadi and the Office of Foreign Assets
Control, US Department of the Treasury

Kopie

IN THE MATTER OF

YASSIN ABDULLAH KADI

and

THE OFFICE OF FOREIGN ASSETS CONTROL,
US DEPARTMENT OF THE TREASURY

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STATEMENT OF YASSIN ABDULLAH KADI

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Saudi Arabia. In addition to his employment by Bank of America, he had other strong connections with the United States; ships chartered by his company SOMCOL used to carry oil for Saudi Aramco, a substantial oil company with interests in the US which is now part of a large US refining and marketing joint venture. I stress that I am the only son of my father, and have 6 sisters. Due to this, after my father died in November 1988 I inherited the majority of my father's wealth, which, at the time, amounted to several million dollars.

- I, 13. In regard to my family, I would also mention that the US Treasury Department have alleged in a 2 page fax they supplied to UK Treasury (pages 1 to 2) that :

"[My] brother **Omar Al-Qadi** is the **director of Mercy International – USA**"

This is totally untrue. I do not have any brother. As is well-known in Saudi Arabia, I have 6 sisters.

1) Mr Khalid bin Mahfouz

14. I now describe my relationship with Mr Khalid bin Mahfouz, whom I will refer to for convenience as "KBM". I was first introduced to KBM socially in about 1989 and have known him since then. KBM and his family were at that time the leading bankers in Saudi Arabia. In 1990, I developed a professional relationship with KBM concerning the introduction of Islamic banking products at the National Commercial Bank ("NCB"), the largest and oldest bank in Saudi Arabia. In addition to our business relationship, I have carried out extensive humanitarian

activities in conjunction with KBM through the Muwafaq Charitable Foundation ("the Foundation") which I established at his request in 1992.

NCB

15. In about 1990, I suggested to KBM introducing Islamic banking products into NCB. KBM was at that time the most senior person with executive responsibilities within NCB.

16. By way of background, during the 1980's, there had been an unprecedented growth in banking activity in Saudi Arabia and the Gulf. In Saudi Arabia the first licensed Islamic bank, that is to say a bank licensed by the Saudi Arabian Government to carry on business according to Islamic investment principles, was Al-Rajhi Banking and Investment Corporation ("Al-Rajhi"). For Al-Rajhi to offer banking services which complied strictly with the tenets of Islam (in particular the prohibition on usury) necessitated the introduction of specific financial instruments and investment products tailored to satisfy the requirements of Islamic precepts. Al-Rajhi grew to become the third biggest bank in Saudi Arabia. These developments reflected a strong trend and preference in Saudi Arabia, and elsewhere, for example in London and other financial centers, for interest free banking (or "Islamic banking" as it is commonly called).

17. Considering Al-Rajhi is listed as a Defendant in the Burnett civil law suit, I should mention for the sake of completeness that I have maintained various accounts at Al-Rajhi. At Al-Rajhi I have maintained normal bank accounts and an investment fund account. My dealings with Al-Rajhi have at all times been solely and exclusively for the purpose of banking. I have never known the identity of any of

Al-Rajhi's other investors or clients. I have invested funds with Al-Rajhi for solely commercial reasons. I stress that at no time have I ever held any equity share or management role in Al-Rajhi nor have I ever had any business relationship with any of the individuals or entities behind Al-Rajhi .

18. KBM was aware of Al-Rajhi's successful introduction of Islamic banking services and knew that eventually every bank in Saudi Arabia would have to offer such services, or else lose market share to those institutions which did offer such services. He was determined to convert NCB from a bank which offered purely conventional banking services to one that could also offer Islamic banking products.
19. Due to the above, KBM turned to me to help him in realising this ambition. To do this, we established a new department within NCB called the Islamic banking department or "IBD"; and, secondly, we sought advice from an outside consultancy company on aspects of Islamic banking product development. I arranged for these consultancy services to be provided through the National Management Consultancy Center ("NMCC"), a company registered in Saudi Arabia, which had a licence from the Saudi Arabian Government to provide consultancy services in Saudi Arabia. NMCC advised and assisted NCB in developing Islamic banking products and designing and implementing training programs for NCB employees. Through this means, NCB established the Islamic Banking Department. These arrangements required a re-organisation of the NMCC, during which I took the position of chairman, a position I held from 1991 to 2001. NMCC ceased operations at the end of 2001 since when it has been dormant.

20. The introduction of Islamic banking services within NCB was extremely successful. Other banks, both inside and outside Saudi Arabia, soon approached NMC:C for consultancy services. NMCC has, since then, established consultancy relationships with many other banks both within Saudi Arabia and elsewhere, such as the Saudi British Bank (an affiliate of HSBC in Saudi Arabia) and the Saudi Hollandi Bank (an affiliate of ABN-Amro).

Charitable and Commercial Activities

23

21. I now describe, in response to Mr Newcomb's request at the meeting on August 1, my charitable and commercial activities Of any) in the locations and countries mentioned by him. I should preface my remarks by highlighting some common threads of my activities in many of the various countries. It will be seen that in some cases I have conducted in parallel both charitable and commercial activities in those countries. The reason for this is that war-torn countries are often emerging markets that can offer good investment returns for outside foreign investors albeit at relatively high risk. This is of course in addition to the humanitarian work, which is in many cases required there.
22. In the case of Bosnia and Croatia, my first involvement in these countries was of a charitable nature in Croatia in 1992. This was motivated by my concern at the humanitarian needs that existed there. Subsequently, following the Dayton Peace Accord in late 1995, I saw the opportunity for making good investment returns, and invested in business enterprises in these countries. In other cases, namely Sudan and Albania, I was part of delegations of leading Arab and Muslim businessmen visiting these countries at the invitation of the host government. In

the case of both Sudan and Albania, I initially became active in these countries due to their status as emerging markets and the investment opportunities that existed there. This reason for my initial introduction to Sudan and Albania was followed, in each case, by my making charitable donations and setting up charitable activities to meet what I perceived to be clear and pressing humanitarian needs in those countries.

23. To the best of my knowledge, I have never, whether through commercial investment or charitable activities or in any other manner whatsoever, anywhere in the world, supported, or intended to support the activities of any terrorist group or individual including Osama bin Laden or Al-Qaeda.

Muwafaq Charitable Foundation ("the Foundation")

24. During 1990/91, while I was working with KBM for NCB, we developed a relationship of mutual trust and respect. KBM told me that he wanted to set up a charitable foundation in memory of his parents. He suggested a name for this foundation, Muwafaq, an Arabic word which means, in essence, "Blessed Success" or "Holy Success". In this regard, I would like to point out that, like most other faiths, philanthropy is a central tenet of religious practice for all Muslims, especially the wealthy among them.

The Foundation's purposes

25. The Foundation was founded as a charitable trust in Jersey by means of a Constitution and Declaration of Trust dated May 31 1992, a copy of which is at pages 3 to 15. The principal objectives and purposes of the Foundation were set out in the Constitution and Declaration of Trust. In summary the objectives and

purposes were to provide relief to and for any individual suffering as a result of natural disaster, wars, revolutions, civil unrest of any description and famine; to provide financial assistance to organisations, institutions, hospitals, research centers to improve the standards of education of health of the needy; to provide guidance and education by compiling, printing and distributing books, tapes, video tapes, newspapers, magazines and other publications and other charitable purposes. I stress that the Foundation's objectives and purposes were not in any way limited to assisting Muslims.

3

26. After KBM decided to endow a charitable cause in memory of his parents, he and I identified the famine-struck people of Sudan as the first beneficiaries deserving of support. KBM and I were both deeply concerned by the famine in large parts of Sudan during the two years following the 1989 coup. Sudan is a very close neighbour of Saudi Arabia but the quality of life enjoyed by its people was so dramatically different. Both KBM and I found the sufferings of the Sudanese people particularly distressing. More generally we were also concerned at famine, poverty, lack of education and under-development amongst Muslims in the world. We determined to give some effect to our concerns by providing relief, education and the means to acquire basic skills to foster economic development. In relation to this, the Foundation was similar to many other major international charity organisations. It was our wish to make the Foundation a significant charity of international standing equivalent to many major western charity organisations in terms of scope, management and efficiency.

The Foundation's Trustees and Constitution

27. There were a total of 6 trustees of the Foundation as follows:

- Myself
- Abdul Rahman bin Mahfouz (nominated and appointed by KBM), who is KBM's son and was, at the time of the formation of the Foundation, a student at University aged around 20
- Rais bin Mahfouz (also nominated by KBM), who is a distant relative of KBM, and is a medical doctor who headed the leading Al Salama Hospital in Jeddah, now named King Faisal Specialist Hospital

and the following 3 trustees nominated by me:

- Talal Badkook with whom, as explained above, I had worked closely in the late 1980's
- Dr Mohamed Ali El-Gari Bin Eid, who has a doctorate degree in Islamic Economics, and was the General Manager of NMCC who I had worked with closely in developing Islamic investment products for NCB
- Abdul Gani Al-Khariji, who is a friend and business associate of mine. I describe in more detail on page 84 below my relationship with Abdul Gani Al-Khariji.

28. I have mentioned that KBM appointed his son, Abdul Rahman bin Mahfouz to be trustee of the Foundation. The background to this deserves explanation. Abdul Rahman bin Mahfouz was still a young man at the time, and so in appointing him

as a trustee his father acted on his behalf. I believe that KBtv4 respected me and the way I conducted my business and charitable affairs, so much so that he repeatedly asked his son Abdul Rahman, to meet with me and see what I did and how I conducted my working life. I believe KBM had a degree of paternal respect towards me such that he felt I was somebody whom his son Abdul Rahman should emulate.

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29. It is appropriate that I explain two further points about the constitution and establishment of the Foundation. I have already mentioned that the Foundation was founded as a charitable trust in Jersey by means of a Constitution and Declaration of Trust dated May 31 1992, (see pages 3 to 15). There was no secrecy in establishing the Foundation: it was established as a charitable trust in Jersey solely as a result of advice obtained from UK accountants and a UK solicitor that the setting up and maintenance of a trust in Jersey is relatively simple and free of formality. The trustees also wished the Foundation to be based outside Saudi Arabia, and considered that if it were based in Jersey it would have an international status. It was for these reasons alone that the Foundation was established as a charitable trust in Jersey, and not for any sinister or improper motive.

30. For the avoidance of any doubt, I should also make clear that quite separately to the Foundation, I caused in the previous year, 1991, a company to be incorporated in the Isle of Man under the name Muwaffaq Limited. This company was formed for the sole purpose of holding my interest in Shifa International Hospitals Limited a public limited company in Pakistan whose shares are traded on the Karachi stock exchange in Pakistan. Shifa International